



FREEDOM IN THE WORLD 2020

Costa Rica

FREE

91
/100

<u>Political Rights</u>	38 /40
<u>Civil Liberties</u>	53 /60

LAST YEAR'S SCORE & STATUS

91 /100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Costa Rica has a long history of democratic stability, with a multiparty political system and regular rotations of power through credible elections. Freedoms of expression and association are robust. The rule of law is generally strong, though presidents have often been implicated in corruption scandals, and prisons remain overcrowded. Among other ongoing concerns, LGBT+ and indigenous people face discrimination, and land disputes involving indigenous communities persist.

Key Developments in 2019

- The investigation into the 2017 Cementazo corruption scandal—involving Chinese cement exports to Costa Rica, in which a number of high-level government officials were implicated—continued to roil the country’s politics. In July, the attorney general announced an investigation into former president Luis Guillermo Solís’s alleged role in the scandal.
- Indigenous land rights activist Sergio Rojas was murdered at his home in March, after surviving a previous assassination attempt. The attack remained unsolved at year’s end.
- A backlog in the asylum application process left some 26,000 Nicaraguans without an avenue to have their asylum claims heard.
- In December, the government modified the General Law on HIV/AIDS to expand confidentiality and other protections, and some related health-care services.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4 / 4

The president is directly elected for a four-year term and can seek a nonconsecutive second term. Presidential candidates must win 40 percent of the vote to avoid a runoff. In April 2018, Carlos Alvarado Quesada of the governing Citizen Action Party (PAC) was elected president in the second round of voting. Alvarado faced Fabricio Alvarado Muñoz of the evangelical National Restoration Party (PRN) in the runoff and won decisively, with over 60 percent of the vote.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4/4

Elections for the 57-seat unicameral Legislative Assembly occur every four years, and deputies are elected by proportional representation. Deputies may not run for two consecutive terms, but may run again after skipping a term. In the February 2018 legislative elections, which were held concurrently with the first round of the presidential poll, no party came close to winning a majority. The PAC took 10 seats, the PRN won 14, and the National Liberation Party (PLN), historically one of the most powerful parties in Costa Rican politics, won 17 seats.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4/4

A special chamber of the Supreme Court appoints the independent national election commission, the Supreme Electoral Tribunal (TSE), which is responsible for administering elections. The TSE carries out its functions impartially and the electoral framework is fair.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

People have the right to organize in different political parties without undue obstacles. The historical dominance of the PLN and the Social Christian Unity Party (PUSC) has waned in recent years, as newly formed parties have gained traction, leading to the collapse of the traditional two-party system. (Seven parties won seats in the 2018 legislative elections). The PRN, which was founded in 2005, emerged as a major force in politics in 2018, as evidenced by Alvarado Muñoz's second-place finish in the presidential election and the party's relatively strong showing in the legislative elections.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Power regularly alternates in Costa Rica and opposition parties compete fiercely in presidential and legislative elections. Parties along a wide spectrum of the political order freely competed in the 2018 elections, and the PRN made major gains, winning 14 seats in the legislature after capturing just 1 seat in the 2014 contest.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

4/4

Citizens' political choices are free from domination by unelected elites and other undemocratic powers.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

3/4

In 2015, the legislature passed a constitutional amendment declaring Costa Rica to be “multiethnic and plurinational.” However, indigenous rights have not historically been prioritized by politicians, and there are no indigenous representatives in the legislature.

The government has introduced initiatives to increase women’s political participation, such as the institution of gender quotas in order to ensure gender parity in political parties. Women and women’s interests are represented in government—46 percent of seats in the Legislative Assembly are held by women following the 2018 elections. Five of the six key leadership roles in the Legislative Assembly, including the presidency of the legislature, are held by women. Epsy Campbell Barr became the first Afro-Costa Rican woman to serve as vice president in 2018.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

Costa Rica’s freely elected government and lawmakers set and implement state policy without interference. However, legislative gridlock has been a major issue in recent years. After failing for years to pass legislation to address the country’s growing national debt, in December 2018 the Legislative Assembly passed a controversial law that raised taxes and imposed limits on public spending.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

3/4

Costa Rica's anticorruption laws are generally well enforced. However, despite its functioning anticorruption mechanisms, nearly every president since 1990 has been accused of corruption after leaving office. In 2017, former president Luis Guillermo Solís was implicated in the Cementazo scandal, involving influence peddling related to Chinese cement exports to Costa Rica. A legislative commission found that close to 30 people, including prominent officials from all three branches of government, were involved in the scandal. Although he was cleared of wrongdoing by the Public Ethics Office of the Attorney General in April 2018, in July 2019 the attorney general announced that Solís was being investigated.

A new unit to train prosecutors to combat corruption was approved by the Supreme Court in March 2019, and began work in September.

C3 0-4 pts

Does the government operate with openness and transparency?

4/4

Citizens generally have access to government information. However, there are some deficiencies in the reporting of budgets to the public, including a lack of transparency in communicating the objectives of the annual budget. Senior government officials are required to make financial disclosures, but that information is not available to the public.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	4/4
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Freedom of the press is largely respected in Costa Rica. Defamation laws are on the books, but imprisonment was removed as a punishment for defamation in 2010.

There are six privately owned daily newspapers. Both public and commercial broadcast outlets are available, including at least 6 private television stations and more than 100 private radio stations.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	4/4
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Roman Catholicism is the official religion, but the constitution guarantees the freedom of religion, which is generally respected in practice.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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Academic freedom is constitutionally protected and generally upheld.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	4/4
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Private discussion is free and the government is not known to surveil the electronic communications of Costa Ricans.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	4/4
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Freedom of assembly is constitutionally protected, and this right is largely upheld in practice. A diverse range of groups, including LGBT+ and environmental organizations, hold regular rallies and protests without government interference.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	4/4
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Nongovernmental organizations (NGOs), including those engaged in human rights work, are active and do not encounter undue obstacles.

In March 2019, indigenous land rights activist Sergio Rojas was murdered at his home, in a case that remains unsolved.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3/4
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Although labor unions are free to organize and mount frequent protests and strikes with minimal governmental interference, the law requires a minimum of 12 employees to form a union, which may negatively impact union rights at small enterprises. Rates of union membership in the private sector are low, due in part to discrimination by

employers against union members. Employers have been known to occasionally fire workers who attempt to form unions.

In February 2019, a teacher's union strike was declared legal by an appeals court after having been declared illegal in November 2018. There were recurring strikes in 2019, including a strike by Social Security Service workers. In September, Congress approved on first instance a bill that would restrict strikes. The bill defined essential services, penalized strikes blocking access to essential services, placed time limits on strikes, and prohibited multiple strikes on the same policy.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	4/4
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The judicial branch is generally independent and impartial. Supreme Court judges are elected by a supermajority of the legislature.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	3/4
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Due process rights are enshrined in the constitution, and they are protected for the most part. However, there are often substantial delays in judicial processes, at times resulting in lengthy pretrial detention.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	3/4
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Violent crime in Costa Rica has increased in recent years. In 2019, the country documented 560 murders, a rate of approximately 11 murders per 100,000 people. Criminal groups transport drugs along the Pacific coast, and the government has reported that many homicides there are related to organized crime and drug trafficking. There are reports of occasional police abuses of detainees and civilians, including violence and degrading treatment; confirmed cases are generally investigated and prosecuted.

Overcrowding, poor sanitation, insufficient access to healthcare, and violence remain serious problems in Costa Rica's prisons. In 2019 there was an outbreak of mumps that led to the suspension of visitations. Recurrent abuse by prison police has not been thoroughly investigated due to victims' reluctance to file formal complaints.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3/4

The constitution outlines general equal rights for all people, but these rights are upheld unevenly. Indigenous people, who compose 3 percent of the population, continue to face discrimination, particularly in regard to land rights and access to basic services. Costa Ricans of African descent have also faced discrimination in health care, education, and employment.

Women experience discrimination due to entrenched gender stereotypes, which can limit their equal access to employment, health services, and the justice system. Executive orders prohibit discrimination on the basis of sexual orientation and gender identity, and the government has expressed commitment to the protection of the LGBT+ community. However, law enforcement officials have discriminated against LGBT+ people, and there have been reports of attacks by police on transgender sex workers.

In 2016, a new law provided disabled people greater personal autonomy. Prior to the law's passage, family members often had legal guardianship over some disabled people.

In December 2019, the government modified the General Law on HIV/AIDS. Under the reforms, employers are prohibited from mandating HIV tests, and disclosures of HIV/AIDS between employer and employee were deemed confidential. The changes also established the right to counseling throughout HIV testing and treatment, as well as the right to free HIV screenings and the provision of female and male condoms in public health centers. The government also established a National Council for Comprehensive HIV Care (CONASIDA).

The number of asylum seekers from Nicaragua has increased sharply a political crisis erupted there in 2018. By March 2019, approximately 29,500 Nicaraguans had submitted formal asylum requests. As many as 26,000 more had not yet filed claims due to backlogs in the overburdened registration system. Although the law entitles asylum seekers to access public services, discrimination sometimes prevented them from taking advantage of those benefits, and legal restrictions limit employment opportunities for asylum seekers.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4/4

Freedom of movement is constitutionally guaranteed and Costa Ricans enjoy relative freedom in their choice of residence and employment.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

3/4

Property rights are generally protected. However, laws protecting intellectual property are not always adequately enforced in practice.

Individuals are free to establish businesses, and the business and investment climate is relatively open, although the complicated bureaucracy can deter entrepreneurs seeking to establish a business.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	3/4
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Despite the existence of domestic violence protections, violence against women and children remains a problem. In May 2019 the president signed the “law of the right to time,” to increase the statute of limitations on child sexual abuse cases from 10 to 25 years.

In January 2018, the Inter-American Court of Human Rights issued an advisory opinion that member states of the American Convention on Human Rights, including Costa Rica, have an obligation to legally recognize same-sex marriage. In August 2018, the Supreme Court ruled that the prohibition of same-sex marriage was unconstitutional and allowed the legislature up to 18 months to pass legislation to legalize same-sex marriage, leaving the current ban in place (although same-sex couples can obtain common-law marital status). No legislation was passed in 2019, though it was expected to be in 2020.

Abortion is illegal in Costa Rica except when a woman’s health is in danger due to a pregnancy. Health professionals’ lack of knowledge of the law and fear of repercussions made it difficult for women to secure a legal abortion. However, in December 2019 President Alvarado signed a technical decree outlining the circumstances under which an abortion may be performed legally, though the conditions remain restrictive. For example, in addition to a woman’s health being deemed at risk, she must agree to mandatory evaluation by three medical professionals.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

3/4

Despite legal protections, domestic workers, particularly migrant workers, are subject to exploitation and forced labor. Employers often ignore minimum wage and social security laws, and the resulting fines for violations are insignificant. Child labor is a problem in the informal economy.

Sex trafficking and child sex tourism are also serious problems. The US State Department's 2019 *Trafficking in Persons Report* noted an increased number of investigations and convictions, less impunity for complicit government officials, and a 2018 amendment that strengthened an existing antitrafficking law to include penalties for force, fraud, and coercion. However, the report noted continued issues with the expenditures and designation of antitrafficking funds and the government's failure to consistently execute referral mechanisms in a prompt or effective manner.



On Costa Rica

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Country Facts

Global Freedom Score

91/100 Free

Other Years

2019

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